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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1503 OF 2002

PETITIONER

Managing Committee, Makanath Wakf, Abdul Rehman, Karbala Road, Bilaspur (CG).

Through : President Md. Israil, S/o Md. Ismail, R/o Karbala Road, Bilaspur (CG).

Versus

RESPONDENTS

1. Union of India, Through Secretary, Ministry of Justice & Empowerment, Govt. of India, New Delhi.
2. State of Chhattisgarh, Through Secretary, Ministry of SC, ST, OBC Development & Minorities Welfare Deptt., Raipur (CG).
3. Chhattisgarh Wakf Board, Raipur.
4. Tauhid Ahmed, Son of Abdul Wahid Khan, resident of Seetla Para, Kanker, Distt. Kanker, C. Garh.

Present : Shri Praveen Das, counsel for the petitioner.

Shri N.K. Agrawal, Dy. Advocate General for the State.

Shri R.K. Tiwari, counsel for respondent No.4.

ORAL ORDER
(Passed on 19th March, 2007)

The following oral order of the Court was passed by

H.L. Dattu, CJ.

Petitioner being aggrieved by the orders passed by the State Wakf Tribunal ("the Tribunal" for short) dated 28-5-2005 is before us in this writ petition filed under Articles 226/227 of the Constitution.

2) Petitioner also questions the constitutional validity or otherwise of the second proviso to Section 67(4) of the Wakf Act, 1995 ("the Act" for short).

3) At the time of hearing of the petition, learned counsel appearing for the petitioner does not press the second relief sought for in this writ petition.

4) In so far as the first relief is concerned, proviso appended to Section 67(4) specifically restrains the Tribunal for granting any interim order. In exercise of that power the Tribunal has rejected the request of the petitioner for grant of an interim order and the statute specifically provides the Tribunal not to grant any interim relief. The petitioner as a matter of right cannot request the Tribunal to grant interim order.

5) In that view of the matter, we do not find any lacuna in the orders passed by the Tribunal. Accordingly, the writ petition requires to be rejected and is accordingly rejected. However, liberty is reserved to the petitioner to move an early hearing application before the Tribunal in the appeal filed by him. If and when such an application is filed, the Tribunal shall consider the same in accordance with law. Ordered accordingly.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Chief Justice